

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 12, 2016 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa J. Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of August 29, 2016, reported having done so, found same correct.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MAYOR AWARD OF EXCELLENCE

Mayor Beutler came forward to present the Mayor's Award of Excellence for the Month of August, 2016. The award was presented to Police Officer, Robert Hurley, in the category of productivity. Officer Hurley has been with the Lincoln Police Department since 1991 and was nominated by Sargents, Ken Koziol and Mike Ripley for his work in several criminal cases. As a veteran criminal investigator, Officer Hurley follows up on major crime cases, monitors and tracks terrorism, and specializes in the examination of cell phones. In January, 2016 he was one of the first investigators to respond to the scene of a homicide. Potential witnesses at the scene were uncooperative, and refused to identify the suspect and the victim. As Officer Hurley made an initial assessment of the victim, he found a cell phone and quickly analyzed its contents. The content of the cell phone quickly identified the victim and included incriminating text with the initials of a suspect. Officer Hurley was aware of another effort going on within the Department to apprehend an individuals with the same initials, who was believed to be carrying a handgun. He quickly provided this information to other officers, who were then able to arrest the suspect within hours of the homicide based on the cell phone analysis. The crime involved prior disputes between the victim and the suspect, as well as drugs, cash, and a likely robbery. A significant amount of cash was discovered during the arrest, but the gun was never found. As the case manager of the continued investigation, Officer Hurley took a very organized and thorough approach in building a case against the suspect. Three additional people were also arrested and charged with related crimes. Officer Hurley continued his efforts to recover the murder weapon, obtained another search warrant for the site of the arrest, and also worked with other investigators to search an entire area where an individual had been seen running from the crime scene. The gun was discovered under a shed near the area. During the course of the investigation, Officer Hurley wrote 5 search warrants, served 46 subpoenas, search and downloaded 7 cell phones, and contacted several cell phone companies to coordinate with them and save records for 8 cell phones. The nominators wrote that this was an incredible amount of work and is indicative of how complicated and time consuming it is when gathering information with all the technical advances and challenges law enforcement faces. Officer Hurley played an important role in another homicide investigation where the suspect was arrested at a house in Omaha. In that case, he worked on obtaining search warrants for the residence and the suspects car. He was in constant communication with LPD and Omaha Detectives, and ended up assisting greatly in that apprehension. Lastly, Officer Hurley also became heavily involved with a case that involved a shooting of 2 individuals and a drug deal. Although he was not assigned the followup he continued to analyze phone records, serve subpoenas and monitor jail calls. The suspect was found with help of other US Marshals and taken into custody without incident. Officer Hurley went on to write another search warrant for the house the suspect was found in, and that led to the discovery of large amounts of drugs, and a gun. Three family members of the suspect were involved in a robbery to try and bond the suspect out. Officer Hurley reviewed the reports and found probable cause to write 3 arrest warrants, and coordinated with Marshals to locate the suspects.

Jeff Bliemeister, Chief of Police, came forward and shared with the skills and experience Officer Hurley has, the citizens of Lincoln are fortunate to have him. Chief Bliemesiter had an opportunity work with Officer Hurley when he was with the Sheriff's Office. Officer Hurley taught Chief Bliemeister a lot of things back then, and showed that collaborative efforts are a valuable asset.

Officer Robert Hurley came forward and thanked Public Safety Director, Tom Casady who once was his Chief and helped get Officer Hurley involved in a lot of work by motivation, and to put more effort in than what is normally expected. Officer Hurley thanked Chief Bliemeister, his co-workers, his current Captain and his wife.

PUBLIC HEARING

APPROVING THE 2016-2017 CITY TAX RATE OF 0.33366 PER \$100.00 OF ASSESSED VALUATION - Jeff Kirkpatrick, City Attorney, came forward and explained the resolution provides funding for the budget resolution that earlier went into effect for the current biennial period. In 2009, a memo was prepared by a previous Chief Justice, and the memo stated once the budget resolution is adopted, it is the Council's job to pass a tax levy that funds the new budget.

Leirion Gaylor Baird, Council Chair, asked if this tax levy is supporting the Mayor's original budget, as opposed to the budget the Council adopted.

Mr. Kirkpatrick confirmed the Charter states if there is a Veto, and the Veto is not overridden, then the Mayor's original budget resolution is deemed to be the Council's budget. So in essence, the Mayor's original budget is what is passed by the City Council. This current tax levy that was prepared by the Finance Department is to fund the Mayor's budget resolution.

Carl Eskridge, Council Member, asked for clarification on the language regarding the Mayor's Veto, overriding the Veto, and the Biennial budget.

Mr. Kirkpatrick explained when the Biennial process was put into the Charter, there was some additional language added that talks about the Biennial budget being under the power of the Mayor to Veto ordinances and resolutions passed by Council. The language appears to be added for clarity, it did not necessarily need to be added as the Mayor has always had the power to Veto a resolution, even a budget resolution.

Ms. Gaylor Baird inquired about the process if the Council did not pass the tax levy.

Mr. Kirkpatrick stated if the Council does not pass the tax levy, it would then be in the power of the Mayor's office to bring a Writ of Mandamus to enforce the duty of the City Council. Which means the Mayor's office can get a request from the court to order the Council to carry out its administrative functions, and if Council does not pass the tax levy they could be held in contempt of court.

Cyndi Lamm, Council Member, confirmed if the Council does not pass the tax levy, then the previous years levy will be in effect.

Mr. Kirkpatrick explained if the tax levy is not passed, then the tax receipts from the previous year will be collected and reviewed by the County Board and add the City levy to the overall County levy to raise the same amount of tax revenue that was collected in the previous tax year.

Ms. Lamm stated she wanted to delay action on this item until next week when the other tax levy resolution was voted on.

Ms. Raybould asked for clarification on the time frame of the tax levy.

Mr. Kirkpatrick stated the deadline that the County has given, is to have the City levy by October 5, 2016. The final Council meeting before this date is the October 3, 2016 Council Meeting. The question before Council is, some members of Council have expressed a desire to have a Court determine whether the City Attorney's interpretation is correct or not. The proper way to do that is for Council to vote the tax levy down, then have action brought on by the Mayor's Office to enforce what is the opinion of the City Attorney. The time line is relatively short, and if Council delays this for a week, that is less time for a court to adequately consider this.

Ms. Raybould asked Ms. Lamm if she felt the vote would change if this item was delayed 1 week.

Ms. Lamm clarified that she was not sure if the vote would change, but she wants time to look at both tax levies, and to her knowledge the tax levy can be changed up until November 15, 2016 before it goes to the appropriate parties.

Steve Hubka, Finance Director, came forward and said he was not sure where the November 15, 2016 date came in, but County Board will be adopting their tax rates on October 13, 2016, and they needed the passed and signed City's tax levy resolution by October 5, 2016. This deadline is what the City has operated under for nearly 20 years with this particular action by the City Council.

Ms. Raybould asked for clarification on the November 15, 2016 date.

Ms. Lamm shared that is a statutory date, and she is under the impression that levy goes through a number of steps, one step being with the auditor, and November 15 is a date within the steps.

Ms. Gaylor Baird expressed her concern with delaying this item and not having enough time to get full resolution.

Ms. Raybould expressed concern with shorting the time frame if the levy is delayed.

Ms. Lamm explained had notice been given they would have been able to have the Public Hearing on both tax levies today, but enough time was not given and therefore wants to vote at the same time on both items.

LAMM Called the question. Seconded by Christensen and **LOST** by the following vote:
AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould.

Mr. Eskridge asked if Council already approved the levy when the Council approved their budget, why is this action being taken again.

Mr. Kirkpatrick explained this is a different action and by State Statute there has to be notice given to the public, and Council is required to have the hearing and the official vote, that then moves forward to the County Board, then has a separate hearing, and a separate vote to officially set the County wide joint levy with all the subdivision within the County.

This matter was taken under advisement.

APPOINTING CATHERINE RAUCH, VERN SCHULTE, AND JOHN WYVILL TO THE AGING PARTNERS AREA WIDE ADVISORY COUNCIL FOR TERMS EXPIRING JUNE 30, 2019 - Randy Jones, Director of Aging Partners, came forward and requested approval.

Catherine Rauch, 3222 S. 39th Street, came forward and requested approval.

Vern Schulte, 1710 S. 22nd Street, came forward and requested approval.

John Wyvill, 9240 Foxen Circle, came forward and request approval. Discussion followed.

This matter was taken under advisement.

**** Council Member Fellers left Chambers at 3:41 p.m. ****

**** Council Member Fellers returned to Chambers at 3:42 p.m. ****

APPLICATION OF GRANITE CITY RESTAURANT OPERATIONS DBA GRANITE CITY FOOD & BREWERY FOR RECONSTRUCTION OF ITS PRESENTLY LICENSED CLASS C & L PREMISES TO A ONE STORY IRREGULAR SHAPED BUILDING MEASURING APPROXIMATELY 90 FEET BY 119 FEET INCLUDING L-SHAPED OUTDOOR AREA MEASURING APPROXIMATELY 63 FEET BY 36 FEET TO THE SOUTH AT 6200 O STREET - Nick Fox, 6324 McArthur Drive, Woodridge, Illinois, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF LINCOLN BLUE SUSHI, LLC DBA BLUE SUSHI SAKE GRILL TO EXPAND ITS CLASS I LIQUOR LICENSE BY THE ADDITION TO THE AREA OF A NEW LICENSED AREA DESCRIBED AS A ONE STORY IRREGULAR SHAPED BUILDING MEASURING APPROXIMATELY 139 FEET BY 57 FEET PLUS L-SHAPED OUTDOOR AREA MEASURING APPROXIMATELY 157 FEET BY 42 FEET BY 15 FEET TO THE WEST AT 808 R STREET - Jacob Mason, 4833 Meredith Street, applicant, came forward and requested approval.

This matter was taken under advisement.

APPLICATION OF RHINODYNAMICS, INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 45 FEET BY 60 FEET AT 1412 O STREET ON SEPTEMBER 23 & 24, 2016 FROM 4:00 P.M. TO 2:00 A.M. - James Hasselbalch, 3748 S. 40th Street, applicant, came forward and requested approval.

Carl Eskridge, Council Member, asked if the outdoor music would go until 2:00 A.M.

Mr. Hasselbalch stated the music would end around 1:00 A.M.

This matter was taken under advisement.

APPLICATION OF EMPYREAN BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 70 FEET BY 70 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 50 FEET BY 50 FEET AT 300 SOUTH 7TH STREET ON SEPTEMBER 15, 2016 FROM 5:00 P.M. TO 11:00 P.M. - James Engelbart, 3340 Franklin Street, applicant, came forward and requested approval.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND SELECTRON TECHNOLOGIES, INC. FOR AN INTEGRATED INTERACTIVE VOICE RESPONSE SYSTEM, PURSUANT TO RFP 16-102, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL ONE YEAR TERM - Chad Blahak, Building and Safety, came forward and stated this is the program Building and Safety would like to use to integrate with their programming and communication system. This will be an enhancement for customers, and enhance customer ability to schedule inspections, and receive inspections and results. This system will automatically notify a customer when plans have been approved and are ready to issue. This will save staff and customer time and will eliminate an employee having to make phone calls and checking and returning voicemail calls.

Roy Christensen, Council Member, stated if he recalled correctly, this is one of the items that Council cut from the Council's budget that was passed.

Mr. Blahak said he did not recall this as a cut item from the budget. The final Council approved budget was \$64,000 that was not restored from the budget and it was not specific where that would come from.

Mr. Fellers asked if it was about \$350,000 for this item.

Mr. Blahak confirmed it was \$250,000 in this budget, and these are all Building and Safety funded items. None of these items will come from the General Fund.

Jane Raybould, Council Member, asked for confirmation on saving staff time.

Mr. Blahak stated he anticipates some time saving measures with this system. This system will eliminate or delay any additional need for more administrative staff. Currently, the primary method to schedule an inspection, is a home owner or contractor would have to call in, and leave a voicemail. One of the administrative staff has to then listen to all voicemails and return calls to set up inspections. This system will then allow the caller to choose an available time right at the moment of the call. The appointment will then integrate with the system and it becomes a scheduled inspection. The system will also allow for automated capability to let customers know when an inspection is completed, or permits are approved, rather than a plan reviewer having to find the time to be able to contact a customer by phone.

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Jon Camp, Council Member, asked how an inspector can make an appointment that the automated system has set up, and the potential of the two inspections being on two separate ends of town.

Mr. Blahak shared that the different inspections areas are: plumbing, electrical, and mechanical. There can be anywhere from 3 to 5 inspectors for those sections. The City is then split up into areas. An inspector is then assigned to a specific area. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE VILLAGE OF ROCA TO ESTABLISH AND OPERATE A RECYCLING DROP-OFF SITE - Gene Hanlon, Recycling Coordinator for Solid Waste, came forward and stated this request is to expand the recycling drop off services.

Cyndi Lamm, Council Member, inquired about the funds to expand the recycling, and what will the City be paying as opposed to what the Village of Roca will be paying.

Mr. Hanlon explained this is part of the base budget of the recycling program, which is funded through the occupation taxes. The Interlocal Agreement states the Village is responsible for all the capital improvements for the recycling site, and the City works with their contractor to provide the recycling containers and to service them on an as needed basis when they are full. The estimated costs for this would range from \$2,500 to \$5,000 depending on how much the containers are used.

Mr. Lamm asked if the capital improvement costs included the bins or if that was something the resources provided.

Mr. Hanlon stated the contracting company will use surplus containers.

Jane Raybould, Council Member, asked when the anticipation open date would be for the site.

Mr. Hanlon shared the Village has received some Grant Funds for the capital improvements, concrete and the fencing. Once the Interlocal Agreement is approved, the Village would then get the fencing and concrete work done. This process could take until the end of October.

Leirion Gaylor Baird, Council Chair, asked if there were similar Interlocal Agreement within the City.

Mr. Hanlon confirmed Solid Waste serves all of Lancaster County and there are already 8 drop off sites within the County.

Jon Camp, Council Member, inquired if the Village already pays occupation tax since their garbage is being diverted to the landfill.

Mr. Hanlon said generally the Villages and the County have a transfer station that they take their waste to and then transport it to the landfill. This is typically done by a contractor who takes their waste and the residence are paying taxes.

This matter was taken under advisement.

APPROVING A SOFTWARE MAINTENANCE AND SERVICES DELIVERY AGREEMENT BETWEEN THE CITY OF LINCOLN AND MARSHALL AND ASSOCIATES, INC. DBA MARSHALLGIS FOR LIGO GPS TRACKING EQUIPMENT AND SERVICE FOR A THREE YEAR TERM - Jeff McReynolds, GIS Manager, came forward and shared the contract is for a combined effort for automatic vehicle locating system for different departments. This is to combine multiple contracts with multiple agencies to allow greater purchasing power.

This matter was taken under advisement.

MISCELLANEOUS 16003 - ADOPTING THE CORRECTED FEE SCHEDULE FOR APPLICATION REVIEWS APPROVED BY CITY COUNCIL RESOLUTION NO. A-89916 ON AUGUST 8, 2016, TO REFLECT THE CORRECT FEE ADJUSTMENTS BY INCLUDING THE APPROVED TECHNOLOGY FEE, WHICH WAS OMITTED FROM SOME APPLICATION TYPES, WITH AN EFFECTIVE DATE OF OCTOBER 3, 2016 - David Cary, Planning Department, came forward and stated this falls under a cleanup item. When the new fee increases came into effect as part of the budget, the bottom 8 items under the subdivision application fees did not reflect the new correct fee amount.

This matter was taken under advisement.

PRE-EXISTING SPECIAL PERMIT NO. 28D – APPLICATION OF UNION COLLEGE AND NE COCF OF 7TH DAY ADVENTIST TO EXPAND THE BOUNDARY OF THE PRE-EXISTING SPECIAL PERMIT FOR UNION COLLEGE TO INCLUDE THE COLLEGE VIEW SEVENTH-DAY ADVENTIST CHURCH AND AMEND THE SIGNAGE PLAN TO SHOW ADDITIONAL SIGNS ON THE SOUTHEAST CORNER OF SOUTH 48TH STREET AND PRESCOTT AVENUE - Matthew Roque, Union College, 3800 S. 48th Street, came forward and said this permit is to amend the signage master plan that is connected with the same project that has come in front of Council at previous meetings.

This matter was taken under advisement.

WAIVER NO. 16006 – APPLICATION OF TIN ROOF PARTNERS LLC TO WAIVE THE ADDITIONAL PARKING REQUIRED BY A CHANGE IN USE FROM RETAIL TO RESTAURANT, PURSUANT TO SECTION 27.67.030(F) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT 4736 AND 4728 PRESCOTT AVENUE - Dan Sloan, 405 S. 28th Street, came forward and stated he and his wife own and run The Mill. The request is regarding The Mill in College View. The space next to the business was retail and they are hoping to take over that space just for seating space of their

current business. Although The Mill is considered a restaurant, they are not intending to use the space as a restaurant. The area has a lot of off-street parking, and with the college being in walking distance, this will not require them to need additional parking.

Jon Camp, Council Member, said there are requirements for on-street and off-street parking, and asked if there were any adjacent neighbors that could be impacted. With having more seating it will allow for more people to be there.

Mr. Sloan stated the Planning Department sent letters to close neighbors, but he and his wife canvassed the neighborhood, introduced themselves, gave letters, and explained their situation. To his knowledge there were no objections from the neighbors. Union College, the Neighborhood Association, other business owners, and businesses have all been supportive of the request. They had a meeting with the business to the east of The Mill and have agreed to work with each other going forward with managing parking.

Carl Eskridge, Council Member, asked if there was a parking lot in the area that serve the business neighborhood.

Mr. Sloan stated there is not a parking lot available. Prescott Avenue and 48th Street were renovated by the City, and the City did a good job with protecting the on-street parking, which has allowed there to continue to be enough on-street parking. Prescott Avenue can get tight with parking, but 48th Street is rarely tight with parking. There are some places within the area that could allow a parking lot, and the surrounding business have all agreed to figure out a way to fund that project if it every presented itself.

Trent Fellers, Council Member, stated he feels there is enough parking around the area to approve this request.

Leirion Gaylor Baird, Council Chair, stated Council previously amended the number of parking spaces for B zoning and asked if The Mill would have any issues with this change and their request.

David Cary, Planning Department, came forward and said the B3 district zoning was changed for more of the older commercial areas. There should be no problem with this request due to the on street parking that is available.

This matter was taken under advisement.

DEDICATING THE PUBLIC ARTWORK, "GROUNDWATER COLOSSUS", LOCATED NORTHEAST OF 21ST AND P STREETS IN UNION PLAZA IN HONOR OF GLENN JOHNSON, RETIRING GENERAL MANAGER OF THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT - Lynn Johnson, Parks and Recreation, came forward and stated that Glenn Johnson recently retired as the General Manager of the Lower Platt South NRD after 44 years of service. Glenn has been a tremendous partner in many projects around Lincoln. The Parks and Recreation Facility Naming Guidelines states that a facility can be named for someone who has made significant contributions to the community related to a parks facility. Glenn's service meets those standards. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERAGENCY AGREEMENT BETWEEN THE STATE OF NEBRASKA DEPARTMENT OF MOTOR VEHICLES AND THE LINCOLN POLICE DEPARTMENT TO ALLOW LPD TO USE DMV RECORDS TO CARRY OUT ITS GOVERNMENTAL FUNCTIONS FOR A FIVE YEAR TERM WITH THE OPTION TO RENEW FOR TWO ADDITIONAL TWO YEAR TERMS - Tom Casady, Public Safety Director, came forward and advised this agreement allows Lincoln Police Department, and other employees the opportunity to access motor vehicle registration and records from the State Department of Motor Vehicles.

This matter was taken under advisement.

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE DURING FY 2016/17 AND 2017/18 FOR AMBULANCE SERVICE - Michael Despain, Fire Chief, came forward and said he has only been Chief for about 7 weeks, and about week 2, it became a critical time to update the ambulance fees. Some things in the industry have changed and he wanted to take more time to go back and take a comprehensive look at fees, market comparisons, what is reasonable, customary in the field, and also looking at the enterprise fund of what was being calculated. This request has to be looked at every year, and should have been in front of Council about 3 weeks ago, but they wanted to go further back and take time to analyze all the previous data.

Roger Bonin, EMS Chief, came forward to explain the high quality EMS treatment that is provided in Lincoln and doing so without tax subsidies or receiving any general fund dollars. In 2015, Lincoln Fire and Rescue received the only silver award from Mission Life Line in the State and, in 2016, the only one in the State to receive the gold award for the care being provided to individuals having a heart attack. LF&R currently has the best survival rates for cardiac arrest in the nation. In 2015, EMS program had the following key statistics: number of transports was 15,168; cost per transport was \$428.32; cost per capita was \$21.87; cost per unit hour was \$120.71; unit hour utilization was 0.28%; and fiscal year 2014-2015 expenses was \$6,496,820. LF&R did 3 times the number of transports as Council Bluffs, Iowa, and with the higher number from LF&R, they have still maintained being a very efficient agency. Some of the challenges EMS program faces is: LF&R must respond every time 911 is called; the EMS Enterprise model requires the program be fee based; the current rate schedule does not adequately cover program costs based on industry best practice, such as supply costs increase. Valium increased from \$2.41 in 2011 to \$28.02 in

2016, and 55% of the transports are net negative in revenue; LF&R must generate revenue sufficient to replace vehicles and equipment, and they must either update fees to reflect industry best practices or run the risk of requiring substantial general fund subsidies. LF&R came up with a rate based on the comparison to comparable agencies, medicare rate times 2.5, and consumer price index of medical plus 2%.

Jon Camp, Council Member, asked for clarification on the medicare reimbursement with that being a challenge in the medical industry.

Mr. Bonin clarified that 44% are medicare and 11% are medicaid. For a medicare call, they are only paid \$337.00, which is about \$91.00 less than what it actually costs go on the call. Medicaid pays about \$170.00, which is \$257.00 less to go on the call. Private insurance companies pay more and pay more attention to what it actually costs to take a call.

Mr. Camp asked is there a percentage that has to be written off that they do not collect at all.

Mr. Bonin stated that is about 30% that has to be written off.

Roy Christensen, Council Member, asked if there was a relationship between the proposed increases and the changes that might happen in the next year with medicaid and medicare reimbursement.

Mr. Bonin clarified this request has nothing to do with the changes with medicaid and medicare. From January 1, 2016, medicare cut their rates .4%

Mr. Christensen asked they give a percentage of what is being charged or an absolute amount.

Mr. Bonin stated they only give an absolute amount of the price to take the call. This is called an allowable charge. When medicaid is billed, they pay a certain dollar amount and advise LF&R that they can only charge so much. Medicare pays 80% and it is up to LF&R to get the remaining 20% from the patient.

Mr. Christensen asked how well LF&R does on collecting the remaining 20%.

Mr. Bonin shared they do as best as can be expected.

Carl Eskridge, Council Member, asked how this will help with the enterprise fund.

Mr. Bonin said the last numbers he saw were about \$190,000 in the red and they expect this proposal to generate about \$300,000 for the first year and the second year should generate about \$190,000. Discussion followed.

Mr. Despain stated they are looking into this at a state level to see if the state can help with the percentage that is picked up, but with a private payer and with medicare.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING CATHERINE RANCH, VERY SCHULTE, AND JOHN WEEVIL TO THE AGING PARTNERS AREA WIDE ADVISORY COUNCIL FOR TERMS EXPIRING JUNE 30, 2019 - PRIOR to reading:

LAMM Moved to delay Action for 1 week to 09/19/2016.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON AUGUST 22, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON AUGUST 29, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON JULY 31, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(5-21)**

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2016 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89963 BE IT RESOLVED by the City Council of Lincoln, Nebraska:

That during the month ended July 31, 2016 \$152,163.36 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all funds balances.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, OCTOBER 3, 2016, AT 3:00 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

16-93 PROVIDE AUTHORITY TO CREATE AN ALLEY REPAVING DIST. IN 16TH TO 17TH ST., BETWEEN G & H STREETS AND ASSESS THE COST THEREOF AGAINST THE BENEFITTED PROPERTY OWNERS.

CLERK Requested a motion to approve the request of Public Works to set the hearing date.

ESKRIDGE Moved to approve the request of Public Works to set the hearing date.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 26, 2016 AT 5:30 P.M. ON THE APPLICATION OF CODE BEER CO. LLC DBA CODE BEER CO. FOR CLASS I AND CLASS LK LIQUOR LICENSES AT 200 S. ANTELOPE VALLEY PARKWAY - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89964 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 26, 2016, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Code Beer Co. LLC dba Code Beer Co. for Class I and Class LK Liquor Licenses at 200 S. Antelope Valley Parkway.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 26, 2016 AT 5:30 P.M. ON THE APPLICATION OF WHITE ELM BREWING COMPANY LLC DBA WHITE ELM BREWING COMPANY FOR A CLASS C LIQUOR LICENSE AT 2717 S. 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89965 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 26, 2016, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of White Elm Brewing Company LLC dba White Elm Brewing Company for a Class C Liquor License at 2717 S. 8th Street, Suite 100.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 26, 2016 AT 5:30 P.M. ON THE APPLICATION OF WHITE ELM BREWING COMPANY LLC DBA WHITE ELM BREWING COMPANY FOR A CLASS L LIQUOR LICENSE AT 2717 S. 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89966 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 26, 2016, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of White Elm Brewing Company LLC dba White Elm Brewing Company for a Class L Liquor License at 2717 S. 8th Street, Suite 100.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

INFORMAL PETITION TO CREATE AN ALLEY PAVING DISTRICT BETWEEN 16TH AND 17TH STREET, AND BETWEEN E AND F STREET, SUBMITTED BY JOHN SCHLEICH - CLERK presented said report which was referred to Public Works.

REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 16024, requested by REGA Engineering, for a mixed-use redevelopment project at an existing shopping center, with a development plan that proposes to modify standards of the underlying zoning district, subdivision ordinance, and Design Standards on property generally located at North 48th Street and Leighton Avenue.

Special Permit No. 16041, requested by Derek Broman, for the sale of alcohol for consumption both on and off the premises, on property generally located at 252 North 134th Street.

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PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 15085, to Special Permit No. 1748A, Nebraska Nursery & Color Gardens, approved by the Planning Director on August 23, 2016, to update the site plan to show a building envelope and parking area, generally located at S. Coddington Avenue and W. Burnham Street.

Administrative Amendment No. 16039, to Change of Zone No. 04075F, Village Gardens PUD, approved by the Planning Director on August 29, 2016, to reduce the width of Outlot Q from 60' to 55' but maintaining the public access easement to provide typical cross section for a local street, generally located at S. 63rd Street and Yankee Hill Road.

Administrative Amendment No. 16057, to Change of Zone No. 0706A PUD, Wilderness Heights PUD, approved by the Planning Director on August 29, 2016, to establish appearance and architectural design standards for Blocks 1 and 2, and revise Notes accordingly, generally located at S. 40th Street and Yankee Hill Road.

Administrative Amendment No. 16027, to Special Permit #14015, Grandview Estates CUP, approved by the Planning Director on August 30, 2016, to revise the site plan by shifting Friedman Street and Carpathian Lane to avoid wetlands, to raise the intersection of Carpathian Lane to intersect with Rokeby Road consistent with the City's current roadway design, and to revise the site plan accordingly, generally located at S. 70th Street and Rokeby Road.

Administrative Amendment No. 16058, to Special Permit #692M, Tabitha New Community, approved by the Planning Director on September 2, 2016, to reduce rear yards adjacent to an outlot to 3 feet for unenclosed decks on single family detached units, generally located at Folkways Boulevard and Cloudburst Lane.

Administrative Amendment No. 16059, to Special Permit #08034, Whispering Meadows CUP, approved by the Planning Director on September 2, 2016, to specify that Lots 1-10, Block 1 may be developed with single family, two family attached, or multi-family units in accordance with R-3 Residential Zoning and the conversion plan for Special Permit #11030 for an Early Childhood Care Facility, generally located at S.W. 27th Street and W. A Street.

LIQUOR RESOLUTIONS

APPLICATION OF GRANITE CITY RESTAURANT OPERATIONS DBA GRANITE CITY FOOD & BREWERY FOR RECONSTRUCTION OF ITS PRESENTLY LICENSED CLASS C & L PREMISES TO A ONE STORY IRREGULAR SHAPED BUILDING MEASURING APPROXIMATELY 90 FEET BY 119 FEET INCLUDING L-SHAPED OUTDOOR AREA MEASURING APPROXIMATELY 63 FEET BY 36 FEET TO THE SOUTH AT 6200 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89967 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Granite City Restaurant Operations dba Granite City Food & Brewery for reconstruction of its licensed Class C & L premises to a one story irregular shaped building measuring approximately 90 feet by 119 feet including L-shaped outdoor area measuring approximately 63 feet by 36 feet to the south located at 6200 O Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF LINCOLN BLUE SUSHI, LLC DBA BLUE SUSHI SAKE GRILL TO EXPAND ITS CLASS I LIQUOR LICENSE BY THE ADDITION TO THE AREA OF A NEW LICENSED AREA DESCRIBED AS A ONE STORY IRREGULAR SHAPED BUILDING MEASURING APPROXIMATELY 139 FEET BY 57 FEET PLUS L-SHAPED OUTDOOR AREA MEASURING APPROXIMATELY 157 FEET BY 42 FEET BY 15 FEET TO THE WEST AT 808 R STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89968 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lincoln Blue Sushi, LLC dba Blue Sushi Sake Grill to expand its licensed premises by the addition to the area of a new licensed area described as a one story irregular shaped building measuring approximately 139 feet by 57 feet plus L-shaped outdoor area measuring approximately 157 feet by 42 feet by 15 feet to the west, at 808 R Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF RHINODYNAMICS, INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 45 FEET BY 60 FEET AT 1412 O STREET ON SEPTEMBER 23 & 24, 2016 FROM 4:00 P.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89969 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Rhinodynamics, Inc. dba Duffy's Tavern for a special designated license to cover an outdoor area measuring approximately 45 feet by 60 feet at 1412 O Street, Lincoln, Nebraska, on September 23 & 24, 2016, between the hours of 4:00 p.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF EMPYREAN BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 70 FEET BY 70 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 50 FEET BY 50 FEET AT 300 SOUTH 7TH STREET ON SEPTEMBER 15, 2016 FROM 5:00 P.M. TO 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89970 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Empyrean Brewing Co. for a special designated license to cover an indoor area measuring approximately 70 feet by 70 feet and an outdoor area measuring approximately 50 feet by 50 feet at 300 South 7th Street, Lincoln, Nebraska, on September 15, 2016, between the hours of 5:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

APPROVING THE 2016-2017 CITY TAX RATE OF 0.33366 PER \$100.00 OF ASSESSED VALUATION - PRIOR to reading:

LAMM Called the question. Seconded by Christensen and **LOST** by the following vote:

AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould.

LAMM Moved to delay Action 1 week to 09/19/2016.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND SELECTRON TECHNOLOGIES, INC. FOR AN INTEGRATED INTERACTIVE VOICE RESPONSE SYSTEM, PURSUANT TO RFP 16-102, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL ONE YEAR TERM. (8/1/16 - ACTION DELAYED TO 9/12/16) - PRIOR to reading:

LAMM Moved to delay Action 1 week to 09/19/2016.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE VILLAGE OF ROCA TO ESTABLISH AND OPERATE A RECYCLING DROP-OFF SITE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89971 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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That the Interlocal Agreement between the City of Lincoln and the Village of Roca for the purpose of providing a recycling drop-off location for use within the Village of Roca in compliance with Phase I and II of the Environmental Management Plan, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to the Village Clerk in Roca, Nebraska, for filing with the Village of Roca.

Introduced by Roy Christensen

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING A SOFTWARE MAINTENANCE AND SERVICES DELIVERY AGREEMENT BETWEEN THE CITY OF LINCOLN AND MARSHALL AND ASSOCIATES, INC. DBA MARSHALLII FOR LEGO GPS TRACKING EQUIPMENT AND SERVICE FOR A THREE YEAR TERM - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89972 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Software Maintenance and Services Delivery Agreement between the City of Lincoln and Marshall and Associates, Inc. dba MarshallGIS for LiGO GPS Tracking equipment and service for a three year term, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same and any associated amendments or renewals on behalf of the City of Lincoln.

The City Clerk is directed to send one fully executed Software Maintenance and Services Delivery Agreement to Deb Winkler, Systems Specialist, Purchasing, for transmittal to Marshall and Associates, Inc. dba MarshallGIS.

Introduced by Roy Christensen

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MISCELLANEOUS 16003 - ADOPTING THE CORRECTED FEE SCHEDULE FOR APPLICATION REVIEWS APPROVED BY CITY COUNCIL RESOLUTION NO. A-89916 ON AUGUST 8, 2016, TO REFLECT THE CORRECT FEE ADJUSTMENTS BY INCLUDING THE APPROVED TECHNOLOGY FEE, WHICH WAS OMITTED FROM SOME APPLICATION TYPES, WITH AN EFFECTIVE DATE OF OCTOBER 3, 2016 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89973 WHEREAS, Resolution No. A-89916 adopted by the City Council of the City of Lincoln, Nebraska on August 8, 2016 adopted the Fee Schedule proposed by the Planning Department for application reviews under Chapter 14.20, Title 26, and Title 27 of the Lincoln Municipal Code and amendments to the Lincoln-Lancaster Comprehensive Plan, which was attached to and made part of Resolution No. A-89916; and

WHEREAS, the Planning Department has discovered that the Fee Schedule adopted by Resolution No. A-89916 erroneously omitted to include the approved technology fee from some of the application types included in the Fee Schedule; and

WHEREAS, the Planning Department has proposed that the Corrected Fee Schedule for application reviews under Chapter 14.20, Title 26, and Title 27 of the Lincoln Municipal Code and amendments to the Lincoln-Lancaster County Comprehensive Plan, attached hereto and incorporated herein by reference which reflects the correct fee adjustments by including the approved technology fee, which was omitted from some application types, be adopted to replace the Fee Schedule attached to Resolution No. A-89916; and

WHEREAS, the City Council finds that the fees in the Corrected Fee Schedule, based on the reasonable costs of providing staff to review the applications, represent reasonable maximum fees to be charged for said reviews.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the attached Corrected Fee Schedule for application reviews under Chapter 14.20, Title 26, and Title 27 of the Lincoln Municipal Code and amendments to the Lincoln-Lancaster County Comprehensive Plan to reflect the correct fee adjustments by including the approved technology fee, which was omitted from some application types in the Fee Schedule adopted by Resolution No. A-89916, be and the same is hereby approved.

BE IT FURTHER RESOLVED that the fees in the attached corrected fee schedule shall take effect on October 3, 2016.

BE IT FURTHER RESOLVED that the Corrected Fee Schedule adopted by this Resolution supercedes and replaces the fee schedule for application reviews under Chapter 14.20, Title 26, and Title 27 of the Lincoln Municipal Code and amendments to the Lincoln-Lancaster County Comprehensive Plan adopted by Resolution No. A-89916.

Introduced by Roy Christensen

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PRE-EXISTING SPECIAL PERMIT NO. 28D – APPLICATION OF UNION COLLEGE AND NE COCF OF 7TH DAY ADVENTIST TO EXPAND THE BOUNDARY OF THE PRE-EXISTING SPECIAL PERMIT FOR UNION COLLEGE TO INCLUDE THE COLLEGE VIEW SEVENTH-DAY ADVENTIST CHURCH AND AMEND THE SIGNAGE PLAN TO SHOW ADDITIONAL SIGNS ON THE SOUTHEAST CORNER OF SOUTH 48TH STREET AND PRESCOTT AVENUE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89974 WHEREAS, Union College and NE Conf of 7th Day Adventist have submitted an application in accordance with Section 27.63.075 of the Lincoln Municipal Code designated as Pre-Existing Special Permit No. 28D to expand the special permit boundary to include the College View Seventh-day Adventist Church (“College View Church”) and amend the campus signing plan to reflect a proposed sign for Union College and the College View Church on property generally located at the southeast corner of South 48th Street and Prescott Avenue and legally described to wit:

A tract of land composed of Irregular Tract Union College Campus, College View, Lots 1-12, Block 1, College View, Lots 9-16, Block 2, College View, Lots 1-12, Block 14, College View, Lots 1-12, Block 15, College View, Lots 1-6, Block 28, College View, vacated Bancroft Street from the east right-of-way line of South 51st Street to the west right-of-way line of South 52nd Street, vacated Stockwell Street from the east right-of-way line of South 51st Street to the west right-of-way line of South 52nd Street, vacated Cooper Avenue from the east right-of-way line of South 51st Street to the west right-of-way line of South 52nd Street, vacated South 51st Street from the south right-of-way line of Bancroft Street to the north right-of-way line of Prescott Avenue, vacated Bancroft Street from the east right-of-way line of South 49th Street to the east right-of-way line of South 51st Street, vacated South 51st Street from the south right-of-way line of Calvert Street to the north right-of-way line of Bancroft Street, the vacated north/south alley, Block 14, College View and the vacated north/south alley, Block 15, College View, Lots 5-12, Block 30, College View, the vacated east/west alley, Block 30, adjacent to Lots 5-12, Block 30, College View, Lots 1-16, Block 31, College View, the vacated east/west alley, Block 31, College View, and vacated South 49th Street from the south right-of-way line of Prescott Avenue to the north right-of-way line of Lowell Avenue, all located in the Southeast Quarter of Section 5, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

WHEREAS, the real property adjacent to the area included within the site plan for this special permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Union College and Nebraska Conference of 7th Day Adventist, hereinafter referred to as "Permittee", to amend the special permit to expand the special permit boundary to include the College View Church and amend the campus signing plan to reflect a proposed sign for Union College and the College View Church on the property legally described above be and the same is hereby granted under the provisions of Sections 27.63.075 of the Lincoln Municipal Code upon condition that construction and operation of the amended Special Permit be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an amendment of the Pre-Existing Special Permit for a Private College for expansion of the special permit boundary to add approximately 4.91 acres and amend the campus signing plan to show two new proposed signs, with waivers to the requirement that signs #17 and #18 as shown on the campus signing plan shall have no exposed illumination and reduction of the side yard setback on the church premises from 15 feet to 4.5 feet for parking.
2. Before receiving building permits:
 - a. Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions as listed below:
 - i. Revise sheet numbering to “Sheet 1 of 4”, “Sheet 2 of 4”, etc. for the existing site plan north of Prescott Avenue, the expanded area site plan, the campus signing plan, and the landscape plan, respectively.
 - ii. On Sheet 2, revise the labels to refer to “Limits of Special Permit #28D” rather than “Limits of Special Permit #28A”.
 - iii. Remove the building and parking layout for the area to be added to the special permit shown on Sheet 2. Parking and setbacks for this expanded area will be regulated separately from the rest of the special permit area according to the underlying zoning, subject to approval of the requested side yard setback reduction for parking.
 - iv. Add the following note to Sheet 2:
 - 1a. “The builder reserves the right to build anywhere outside the setbacks shown on the site plan.”
 - 1b. “Required parking will be in accordance with Chapter 27.67.”
 - 1c. “A side yard of 4.5 feet is permitted for parking.”
 - v. On Sheet 2, label the front yard setback along South 48th Street as a 0’ front yard setback.
 - vi. On Sheet 2, show 0’ front yard setback as reduced by Board of Zoning Appeals application #1887 for Lots 11-16, Block 31, College View. Show the remainder of this frontage with a 20 foot front yard setback.

- vii. On Sheet 2, move the “20’ Front Yard Setback” label near the northeast corner of the drawing to the front yard on the north side along Prescott Avenue.
- viii. Add the note to Sheet 3 from the current campus signing plan approved with Administrative Amendment #16043.
- ix. Add a note to Sheet 3 stating that “Sign #18 will have two faces; one face will advertise Union College and the other will advertise the College View Church Seventh-Day Adventist Church.”
- b. Permittee shall provide verification that the letter of acceptance as required by the approval of the special permit has been recorded with the Register of Deeds.
- 3. Before constructing the proposed signs, all development and construction shall substantially comply with the approved plans.
- 4. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 5. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.
- 6. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving this special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.
- 7. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however the terms and conditions of all the prior resolutions approving Pre-Existing Special Permit No. 28, as amended, shall remain in full force and effect except as specifically amended by this resolution.

Introduced by Roy Christensen

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

WAIVER NO. 16006 – APPLICATION OF TIN ROOF PARTNERS LLC TO WAIVE THE ADDITIONAL PARKING REQUIRED BY A CHANGE IN USE FROM RETAIL TO RESTAURANT, PURSUANT TO SECTION 27.67.030(F) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT 4736 AND 4728 PRESCOTT AVENUE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89975 WHEREAS, Tin Roof Partners LLC (“Owner”) is the Owner of the property located at 4736 and 4728 Prescott Avenue and legally described as:

Lot 1, Gladys Addition and the west 30 feet and the south 50 feet of Lot 6, Block 25, College View, located in the Southwest Quarter of Section 5, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the property is located in the B-3 Commercial District; and

WHEREAS, the Owner is proposing a change of use of the existing building located on the property from retail to restaurant; and

WHEREAS, the parking regulations for the B-3 zoning district require the change of use from retail to restaurant (with or without a special permit for sale of alcoholic beverages for consumption on the premises) to provide one parking space per 100 square feet of floor area; and

WHEREAS, the Owner, pursuant to Lincoln Municipal Code § 27.67.030(f), has applied for special review and approval by the City Council to grant Owner a waiver of the parking regulations for the B-3 zoning district to adjust the required parking from one parking space per 100 square feet to zero spaces; and

WHEREAS, the City Council finds that:

a. Waiving the required parking will accommodate this expanded business while taking into consideration the pedestrian orientation of the College View commercial area.

b. This waiver is supportable based on the proximity of on-street parking, the pedestrian friendly character of the College View commercial area, and proximity to Union College.

c. This waiver is consistent with the goals of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

In consideration of the findings made above, the Owners request to waive the B-3 zoning district parking regulations requiring that the change of use of the existing building on the property legally described above from retail to restaurant provide additional parking is hereby granted pursuant to § 27.67.030(f) of the Lincoln Municipal Code as follows:

1. This approval adjusts the parking requirement for restaurants (with or without a special permit for sale of alcoholic beverages for consumption on the premises) from one space per 100 square feet of floor area to zero spaces.

Introduced by Roy Christensen

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

DEDICATING THE PUBLIC ARTWORK, "GROUNDWATER COLOSSUS", LOCATED NORTHEAST OF 21ST AND P STREETS IN UNION PLAZA IN HONOR OF GLENN JOHNSON, RETIRING GENERAL MANAGER OF THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89976 A RESOLUTION dedicating the public artwork, "Groundwater Colossus", located northeast of 21st and P Street in Union Plaza in honor of Glenn Johnson, retiring General Manager of the Lower Platte South Natural Resources District.

WHEREAS, Glenn D. Johnson is retiring as General Manager of the Lower Platte South Natural Resources District after 44 years of public service; and

WHEREAS, under Glenn's leadership, the District has been a valuable City partner in efforts to minimize flooding, manage stormwater, conserve floodplain areas, and improve water quality in streams and lakes; and

WHEREAS, Glenn has worked with the administrations of five Mayors to complete the ambitious Antelope Valley Project, which took 400 acres of land out of the floodplain and removed the flood risk for 800 homes and 200 businesses; and

WHEREAS, Glenn's community-minded approach supported the interrelated goals of the Antelope Valley Project to improve flood protection and transportation, integrate recreation, and stimulate redevelopment; and

WHEREAS, under Glenn's leadership, the District has continued to develop the trail and greenway system envisioned decades ago and has worked with the City to build a nationally recognized, award-winning trail system that connects the urban and rural areas; and

WHEREAS, Glenn has always looked out for the community's best interests, and the City of Lincoln has benefited in countless ways throughout his 44 years of service.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the public artwork, "Groundwater Colossus", generally located northeast of 21st and P Streets in Union Plaza be and hereby is dedicated in honor of Glenn Johnson, retiring General Manager of the Lower Platte South Natural Resources District.

Introduced by Roy Christensen

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING AN INTERAGENCY AGREEMENT BETWEEN THE STATE OF NEBRASKA DEPARTMENT OF MOTOR VEHICLES AND THE LINCOLN POLICE DEPARTMENT TO ALLOW LPD TO USE DMV RECORDS TO CARRY OUT ITS GOVERNMENTAL FUNCTIONS FOR A FIVE YEAR TERM WITH THE OPTION TO RENEW FOR TWO ADDITIONAL TWO YEAR TERMS - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89977 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interagency Agreement between the State of Nebraska Department of Motor Vehicles and the Lincoln Police Department to allow LPD to use DMV records to carry out its governmental functions for a five year term with the option to renew for two additional two year terms, upon the terms and conditions set forth in said Interagency Agreement, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is authorized to execute said Interagency Agreement on behalf of the City. The Mayor is further authorized to sign the two renewals.

The City Clerk is directed to send an executed copy of the Interagency Agreement to Michele Selvage, Lincoln Police Department, for transmittal to the Nebraska Department of Motor Vehicles.

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE DURING FY 2016/17 AND 2017/18 FOR AMBULANCE SERVICE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89978 WHEREAS, in accordance with Title 7 of the Lincoln Municipal Code, the City Council has authority to approve a schedule of maximum fees which the City may charge for ambulance service rendered by the City of Lincoln; and

WHEREAS, Lincoln Fire and Rescue has proposed such a schedule of maximum fees for comment and review by Lincoln/Lancaster County EMS Oversight Authority, Inc. ("Oversight Authority"), the City's emergency medical services oversight agency; and

WHEREAS, the Oversight Authority has concluded the proposed maximum fees are reasonable; and

WHEREAS, the proposed rate schedule is before the City Council for its consideration and approval; and

WHEREAS, the City Council finds that the proposed rate schedule, based on the reasonable costs of providing ambulance service, represents reasonable maximum user fees to be charged for the provision of ambulance service by the City of Lincoln.

NOW, THEREFORE, BE IT RESOLVED by the City Council, the proposed rate schedule attached hereto, marked as Attachment "A", and made a part hereof by reference, is hereby approved and shall take effect September 1, 2016.

Introduced by Roy Christensen

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS - NONE

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN AND NATIONAL BUS SALES AND LEASING, INC. FOR CNG TROLLEYS – STARTRAN, PURSUANT TO RFP NO. 16-121, FOR A FIVE YEAR TERM - CLERK read and ordinance, introduced by Jon Camp, that the multi-year contract between the City of Lincoln and National Bus sales and Leasing, Inc. for CNG trolleys - StarTran, pursuant to RFP No. 16-121, for a five year term, in accordance with the terms and conditions contained in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln, the third time.

CAMP Moved to pass ordinance as read.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.
The ordinance, being numbered **#20375**, is recorded in Ordinance Book 31.

RESOLUTIONS - 1ST READING

APPROVING A CONTRACT AMONG THE CITY OF LINCOLN, LANCASTER COUNTY, AND INDUSTRIAL SERVICES, INC. FOR THE ANNUAL SERVICES FOR DEAD ANIMAL REMOVAL, PURSUANT TO BID NO. 16-159, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM. (*CONSENT*)

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND BRIDGE BEHAVIORAL HEALTH FOR THE PROVISION OF PROTECTIVE CUSTODY SERVICES FOR THOSE INDIVIDUALS WITH ALCOHOL AND DRUG ABUSE PROBLEMS AND FOR SPACE FOR THE LINCOLN POLICE DEPARTMENT TO CONDUCT CHEMICAL TESTING AND RELATED SERVICES FOR A TWO YEAR TERM FROM OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2018.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR PURCHASES MADE WITH DHS 2015 GRANT YEAR FUNDS FROM THE SOUTHEAST REGION PLANNING, EXERCISE, AND TRAINING GROUP WITH LANCASTER COUNTY ACTING AS THE FISCAL AGENT FOR SOUTHEAST REGION. (*CONSENT*)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16-31, 2016.

APPROVING A LOWER PLATTE RIVER CONSORTIUM AGREEMENT BETWEEN THE CITY OF LINCOLN, METROPOLITAN UTILITIES DISTRICT, NEBRASKA DEPARTMENT OF NATURAL RESOURCES, LOWER PLATTE SOUTH NRD, LOWER PLATTE NORTH NRD, AND PAPIO-MISSOURI RIVER NRD TO STUDY LONG-TERM WATER SUPPLIES AVAILABLE TO THE LOWER SUBBASIN FOR ENHANCING STREAMFLOWS OR AQUIFER STORAGE TO SUPPORT SUSTAINABLE PUBLIC WATER SYSTEMS.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$30,000.00 FROM MISCELLANEOUS BUDGET/CONTINGENCY TO GENERAL EXPENSE/LEGAL SERVICES TO COVER ANTICIPATED LEGAL FEES RELATED TO A DISPUTE REGARDING THE 2016-2018 CITY BUDGET AND RELATED PROPERTY TAX RATE FOR THE 2016-2017 FISCAL YEAR.

APPROVING THE 2016-2017 CITY TAX RATE OF 0.32194 PER \$100.00 OF ASSESSED VALUATION.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND JEFFREY K. BARCLAY FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 801 SOUTH 27TH STREET - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance approving a real estate sales agreement between the City of Lincoln and Jeffrey K. Barclay authorizing the sale of City owned property generally located at 801 South 27th Street, Lincoln, Nebraska, the first time.

ACCEPTING AND APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY ADULT PROBATION SERVICES FOR THE LEASE OF OFFICE SPACE IN THE MUNICIPAL SERVICE CENTER LOCATED AT 901 WEST BOND STREET TO LANCASTER COUNTY ADULT PROBATION FOR AN INITIAL TERM BEGINNING JULY 1, 2016 THROUGH JUNE 30, 2018 - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance accepting an approving the Lease Agreement between the City of Lincoln and Lancaster County Adult Probation Services

OPEN MICROPHONE

Jane Svoboda, 2450 Q Street, came forward and gave numerous statements.

John Zapata, 6601 Old Dominion Road, came forward and stated he owns his business property at 1935 Yolande Avenue, and directly east of the building is Larry's Auto Salvage with a fence on the property line. All salvage is supposed to be behind the fence, but there are plenty of times that the junk cars are parked on the street. Mr. Zapata is requesting help with enforcing the junk cars not be parked in front of the fence line.

Gary Aldridge, 7112 S. 45th Street, came forward and stated there is a water stream on 40th street, and the sidewalk that is located near the start of the water stream down slope. The sidewalk foundation is eroding, and Mr. Aldridge expressed his concern the walkway will collapse.

ADJOURNMENT

4:48 P.M.

CAMP Moved to adjourn the City Council Meeting of September 12, 2016.
 Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa J. Meier, City Clerk

Monet J. McCullen, Office Specialist

